

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re VEECO INSTRUMENTS, INC. : Case No.: 7:05-md-01695 (CM)
SECURITIES LITIGATION :
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THIS DOCUMENT RELATES TO :
ALL ACTIONS :
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**DECLARATION OF JEFFREY L. OSTERWISE IN SUPPORT
OF LEAD PLAINTIFF'S MOTION TO VACATE AND
REVERSE, IN PART, THE DISCOVERY ORDER OF MAGISTRATE JUDGE
GEORGE A. YANTHIS SIGNED JANUARY 26, 2007 PURSUANT TO
FEDERAL RULE OF CIVIL PROCEDURE 72**

Jeffrey L. Osterwise, hereby declares as follows:

I, Jeffrey L. Osterwise, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746
that the following is true and correct:

1. I am an associate of the law firm of Berger & Montague, P.C., lead counsel for Lead Plaintiff in this litigation.
2. I submit this Declaration in support of Lead Plaintiff's Motion to Vacate and Reverse, In Part, the Discovery Order of Magistrate Judge George A. Yanthis Signed January 26, 2007 Pursuant to Federal Rule of Civil Procedure 72.

3. Attached hereto as Exhibits are true and correct copies of the following:

<u>Exhibit No.</u>	<u>Description</u>
A	Memorandum Decision and Order of Magistrate George A. Yanthis, dated January 26, 2007.
B	Defendant Veeco Instruments Inc.'s First Set of Interrogatories to Lead Plaintiff, dated September 21, 2006.

- C Lead Plaintiff Steelworkers Pension Trust's Responses and Objections to Defendant Veeco Instrument Inc's First Set of Interrogatories to Lead Plaintiff, dated October 23, 2006.
- D Lead Plaintiff's opposition letter dated January 18, 2007 to Honorable George A. Yanthis in response to Defendants' request of January 4, 2007.
- E Lead Plaintiff's letter dated January 22, 2007 concerning discovery.
- F Joint Stipulation and Order to Revise Pretrial Schedule.

Dated: February 9, 2007



Jeffrey L. Osterwise